

Regular Session, 2012

SENATE BILL NO. 417

BY SENATOR RISER

ELECTION CODE. To provide relative to qualifying for an election for certain candidates.
(gov sig)

AN ACT

To amend and reenact R.S. 18:461(A)(1), and to enact R.S. 18:461(A)(2)(d) and 463(A)(1)(d), relative to the Louisiana Election Code; to provide for the manner of qualifying for elections for candidates serving outside of the United States in the armed forces; to provide relative to fees; to provide for filing by facsimile or electronic mail; to provide for qualifying with the secretary of state or a person in his office designated to receive qualifying papers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:461(A)(1) is hereby amended and reenacted and R.S. 18:461(A)(2)(d) and 463(A)(1)(d) are hereby enacted to read as follows:

§461. Manner of qualifying

A.(1) A person who desires to become a candidate in a primary election shall qualify as a candidate by timely filing notice of his candidacy, which shall be accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed. A candidate whose notice of candidacy is accompanied by a nominating petition shall not be required to pay any qualifying fee or any additional fee. **A candidate serving in the armed forces of the United States who**

1 is stationed outside of the United States shall not be required to pay any
 2 qualifying fee or any additional fee.

3 (2) The notice of candidacy may be filed in any of the following ways:

4 * * *

5 (d) By facsimile or electronic mail if filed by a candidate serving in the
 6 armed forces of the United States who is stationed outside of the United States.

7 * * *

8 §463. Notice of candidacy; financial disclosure; political advertising; penalties

9 A.(1)(a) * * *

10 (d) When a candidate serving in the armed forces of the United States
 11 who is stationed outside of the United States files his notice of candidacy and
 12 does not pay any qualifying fees or any additional fee, he shall file with the
 13 qualifying official a certification prepared by the secretary of state certifying
 14 that at the time of qualifying he is serving in the armed forces of the United
 15 States and he is stationed outside of the United States.

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

The original instrument was prepared by Lauren Bailey. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

DIGEST

Riser (SB 417)

Present law provides that a person who desires to become a candidate in a primary election qualifies as a candidate by timely filing notice of his candidacy, accompanied either by a nominating petition or by the qualifying fee and any additional fee imposed.

Present law provides that a candidate whose notice of candidacy is accompanied by a nominating petition will not be required to pay any qualifying fee or any additional fee.

Proposed law retains present law and provides that a candidate serving in the armed forces

who is stationed outside of the US will not be required to pay any qualifying fee or any additional fee.

Present law provides for the notice of candidacy to be filed in any of the following ways:

1. In person by the candidate.
2. By certified mail or commercial carrier, provided the notice is received within the qualifying period provided by law by the qualifying official.
3. By an agent on behalf of the candidate.

Proposed law retains present law and provides that a candidate serving in the armed forces who is stationed outside of the US may file his notice of candidacy by facsimile or electronic mail.

Proposed law provides that when a candidate serving in the armed forces of the US is stationed outside of the US files his notice of candidacy and does not pay any qualifying fees or any additional fee, he is required to file with the qualifying official a certification prepared by the secretary of state certifying that at the time of qualifying he is serving in the armed forces of the US and he is stationed outside of the US.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:461(A)(1); adds R.S. 18:461(A)(2)(d) and 463(A)(1)(d))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Removed language regarding the recipient of the facsimile or electronic mail notice of candidacy forms.
2. Added language requiring the candidate serving in the armed forces of the US who is stationed outside of the US who files his notice of candidacy and does not pay any qualifying fees or any additional fee, to file with the qualifying official a certification prepared by the secretary of state certifying that at the time of qualifying he is serving in the armed forces of the US and he is stationed outside of the US.
3. Changes the effective date from August 1, 2012, to upon signature of the governor or lapse of time for gubernatorial action.